

REMARKS

Claim 326 – 363 replace Claims 198 – 325 which have been cancelled.

The claims now include the symbols “n”, “f” and “g”.

The structure of the bis compounds are included in Claims 326. Support for this is found on page 92 of the specification which includes examples of the bis compounds. It is applicants' position that one skilled in the art would know that the bis compounds are linked through the 7 position of the quinoline structure because that is where the R₇ group is positioned.

In view of the new claims the rejection concerning structure I in Claims 199 and 202 and the method Claims 322 – 325 being dependent on the compound claims is moot.

Therefore, it is respectfully requested that the rejection of Claims 198 – 325 under 35 U.S.C. 112, second paragraph be withdrawn.

In regard to the Examiner's rejection that Claims 198-294, 298-299, 301, 303, 305-309, 312-313, 315 and 317-325 are not enabled, applicants draw the Examiner's attention, to page 92 of the specification that includes examples of bis compounds and data on their inhibition of the efflux pump of *Staphylococcus aureus* 1199B.

In view of this it is respectfully requested that the rejection of Claims 198-294, 298-299, 301, 303, 305-309, 312-313, 315 and 317-325 be withdrawn.

According to the Official Action, Claims 202-294 and 320 are rejected under 35 U.S.C. 102(b) as anticipated by, or in the alternative as obvious over Ledoussal (U.S. Patent No. 6,329,391). This is respectfully traversed.

Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *In re Paulsen*, 30 F.3d 1475, 31 USPQ 1671 (Fed. Cir. 1994). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

In Claim 326 R⁶ is defined as fluorine. Ledoussal does not disclose the possibility of R⁶ being fluorine and therefore, the claims are not anticipated by Ledoussal.

In the claims of this application, X is defined as CH, C-F, C-OCH₃, N or C. According to column 4, lines 14-17 of Ledoussal, R₈ is selected from chloro, bromo, methoxy, C₁ to about C₂ alkanyl, and C₂ to about C₄ alkenyl. In all of the examples in Ledoussal where R₈ is methoxy, R₆ is hydrogen. Therefore, the claims in this application are not obvious over the disclosure of Ledoussal.

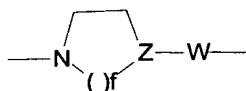
Ledoussal discloses compounds that are antimicrobials and there is no suggestion that any of the compounds disclosed in Ledoussal function as efflux pump inhibitors.

The claimed compounds and the use of the compounds as efflux pump inhibitors are neither anticipated nor obvious from Ledoussal.

Therefore, it is respectfully requested that the rejection be withdrawn.

The Examiner has rejected Claims 298, 299, 301, 303, 305-309, 312-313 and 315 under 35 USC 102(b) as being anticipated by Grohe (U.S. Patent 4,563,459). This is respectfully traversed.

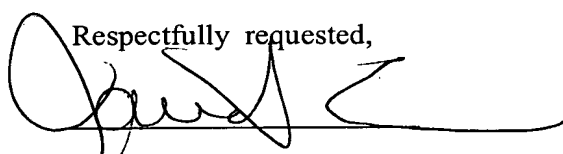
As stated above, anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *In re Paulsen*, 30 F.3d 1475, 31 USPQ 1671 (Fed. Cir. 1994). Claim 326 has been amended to exclude compounds where X is CH, R₅ is H, R₁ is cyclopropyl and R₇ is



In addition, Grohe teaches that the compounds are microbicides (see column 1, line 7) and have powerful microbicidal properties in the field of plant protection. (see column 2, lines 38-39, see also column 4, lines 42-66). There is no disclosure nor suggestion in the reference that 1) the compounds of Grohe can inhibit efflux pumps and 2) can be administered to animals. One skilled in the art knows that a compound that is microbicidal in plants may not be able to administered to an animal because of, for example, toxicity.

Therefore, since Grohe does not anticipate the claims, it is respectfully requested that the rejection be withdrawn.

It is submitted that this application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully requested,

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